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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,620	07/31/2003	Christopher Norman Kline	END920030057US1	4750
26502	7590	06/01/2007		
IBM CORPORATION IPLAW IQ0A/40-3 1701 NORTH STREET ENDICOTT, NY 13760			EXAMINER ROMANO, JOHN J	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,620	Applicant(s) KLINE, CHRISTOPHER NORMAN	
	Examiner John J. Romano	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Applicant's amendment and response received March 13th, 2007, responding to the December 27th, 2006, Office action provided in the rejections of claims 1-20, wherein claims 1-20 have been cancelled and new claims 21-31 have been added and claims 21-31 remain pending in the application and which have been fully considered by the examiner.

Applicant's arguments with respect to claims rejection have been considered but are moot in view of the new grounds of rejection.

Thus, the rejection of the claims is maintained in light of additional new grounds of rejection as necessitated by amendment and **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims **25-31** are rejected, the claimed invention is directed to non-statutory subject matter. In regard to independent claim **25**, the claim limitations are interpreted as being directed toward software per se, and not a product of manufacture. Therefore, the claims fail to fall into a statutory category.

In regard to independent claim **29**, the claim limitations are interpreted as being directed toward software per se, and not a product of manufacture. Therefore, the claims fail to fall into a statutory category.

In regard to dependent claims **26-28** and **30-31**, they are rejected for at least depending on rejected base claims. Moreover, they do not further limit the independent claims to fall into a statutory category. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **21**, **23-25** and **27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter **APA**) in view of Morrison et al., US 7,089,561 (new art made of record & hereinafter **Morrison**) and further in view of Hewlett Packards "OpenView", by Nathan J. Muller (new art of record & hereinafter **OpenView**).

In regard to claim **21**, **APA** discloses:

- *"A computer implemented method for managing a change to a setting of a computer program of a computer system, said method comprising the steps of automatically attempting to change a setting of a computer program..."* (E.g., see "Background of the Invention", lines 18-19), wherein a systems administrator makes a change to an application via a prepared script.
- *"...said computer program writing a predetermined return code to a log file...and in response to step of automatically attempting to change said setting of said computer program...searching said log file for said return code..."* (E.g., see "Background of the Invention", lines 18-19), wherein a systems administrator verifies that a change was successful by checking output and certain codes and phrases in the output stored in temporary logs.

But, the **APA** does not expressly disclose *"...if said setting of said computer program is successfully changed, said computer program writing a predetermined return code to a log file, if said setting of said computer program is not successfully changed,*

said computer program not writing said return code to said log file, and in response to step of automatically attempting to change said setting of said computer program...".

However, **Morrison** discloses:

- "...if said setting of said computer program is successfully changed, said computer program writing a predetermined return code... if said setting of said computer program is not successfully changed, said computer program not writing said return code..." (E.g., see Column 13), wherein return codes indicating success is taught if change is successful, otherwise a Win32 error.

APA and **Morrison** are analogous art because they are both concerned with the same field of endeavor, namely, implementing a setting change management method for a system. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine **Morrison's** return codes with the **APA's** change management's log file to provide a log file with a successful return code. The motivation to do so would have been to verify that the change was made successfully by reviewing the output of those commands in the log file as taught by the **APA** (E.g., see **APA**, page 1, lines 21-25).

But, the **APA** or **Morrison** do not expressly disclose "*...if said log file contains said return code, automatically sending a notification that said setting of said computer program was successfully changed, and if said log file does not contain said return code, automatically sending a notification that said setting of said computer program was not successfully changes.*". However, **OpenView** discloses:

- "...*automatically sending a notification that said setting of said computer program was successfully changed, and ... automatically sending a notification that said setting of said computer program was not successfully changes.*" (E.g., see Figure 5 & page 13, paragraph [0158]), wherein an administrator sets a schedule for an automatic installation.

APA, **Morrison** and **Openview** are analogous art because they are both concerned with the same field of endeavor, namely, implementing a setting change management method for a system. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine **Morrison** and **APA's** logged return code status with **Openview's** teaching of notification to an administer. The motivation to do so would have been to provide comprehensive verifications of installed software (change) to an administrator (E.g., see OpenView, page 182).

In regard to claim **23**, the rejections of base claim **21** are incorporated.

Furthermore, **OpenView** discloses:

- "...*sent to an administrator.*" (E.g., OpenView, page 32, first paragraph), wherein an administrator is alerted by a pre-specified action on event which involves sending an audio alert when specified events occur.

In regard to claim **24**, the rejections of base claim **21** are incorporated.

Furthermore, **APA** discloses:

- "...said return code is a response to a command to change said setting." (E.g., see "Background", lines 21-25), wherein a command or script issue commands to change permissions is taught.

In regard to claims **25, 27-28**, this is a computer program product version of the claimed method discussed above, in claims **21, 23-24**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **OpenView** wherein a computer network, system and program products are taught (e.g., see Chapter 1).

4. Claims **22** and **26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **APA** in view of **Morrison** and further in view of **OpenView** in view of Boukobza et al., US 6,122,664 (new art of record & hereinafter **Boukobza**).

In regard to claim **22**, the rejections of base claim **21** are incorporated. But, the **APA, Morrison** or **Openview** do not expressly disclose "...said setting is a number of messages that can reside on a queue used by said computer program". However, **Boukobza** discloses:

- "...said setting is a number of messages that can reside on a queue..." (E.g., see Column 19, lines 20-52), wherein creating a new number-of-messages parameter in the queue is taught.

APA, Morrison, Openview and **Boukobza** are analogous art because they are both concerned with the same field of endeavor, namely, a method for monitoring data structures in a computer system. Therefore, at the time the invention was made, it

would have been obvious to a person of ordinary skill in the art to combine **Morrison**, **APA** and **Openview's** method of monitoring change with **Boukobza's** setting of a number of messages residing on a queue. The motivation to do so would have been to provide a method to test whether the "log" file is growing abnormally as taught by **Boukobza** (E.g., see Column 20, lines 40-50).

In regard to claim **26** see claim **22**.

5. Claims **29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **APA** in view of **Morrison** and further in view of **OpenView** in view Wilson, US 2002/0166053 (new art of record & hereinafter **Wilson**).

In regard to claim **29**, this is another computer program product comprising the claimed method discussed above, in claims **21** and **24**. Furthermore, **APA** discloses:

- "...a *permission file...*" (E.g., see "Background", lines 21-25), wherein a command or script issues commands to change permissions is taught.

But, the **APA**, **Morrison** or **OpenView** do not expressly disclose "...said *permission file indicating which User Ids have access to which other files...*". However, **Wilson** discloses:

- "...said *permission file indicating which User Ids have access to which other files...*" (E.g., see Figure 2 & paragraph [0024]), wherein a permission file metadata is taught.

APA, **Morrison**, **OpenView** and **Wilson** are analogous art because they are both concerned with the same field of endeavor, namely, a method for managing a

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computer network comprising permission files. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine **Wilson's** permission files with the **APA, Morrison** and **Openview's** method of monitoring change. The motivation to do so would have been to manage the configuration (E.g., see OpenView, page 36) in a computer network system.

In regard to claim **30**, the rejections of base claim **29** are incorporated.

Furthermore, **APA** discloses:

- "...*permission file is part of the operating system.*" (E.g., see "Background", lines 21-23), wherein the script to adjust permission files is part of the operating system.

In regard to claim **31** see claim **23**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Romano whose telephone number is (571) 272-3872. The examiner can normally be reached on 8-5:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJR



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SUPERVISORY PATENT EXAMINER